

Ronald Wilcox, Esq., State Bar No. 176601
 1900 The Alameda, Suite 530
 San Jose, CA 95126
 Tel: (408) 296-0400
 Fax: (408) 296-0486
ronaldwilcox@post.harvard.edu

Paul Nathan, Esq., Bar No. 262697
 The Law Offices of Paul Nathan, P.C.
 540 Pacific Ave.,
 San Francisco, CA
 Tel: (415) 341-1144
paulnathan@nathanlawoffices.com

ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

DONNA GARCIA,	CIV. NO. 11-1253 EMC
Plaintiff,	MOTION FOR ADMINISTRATIVE
vs.	RELIEF REGARDING BRIEFING
RESURGENT CAPITAL L.P., LVNV	SCHEDULE and [Proposed] ORDER
FUNDING, LLC, THE BRACHFELD LAW	
GROUP, P.C.,	HON. EDWARD CHEN
Defendants.	

Brachfeld Law Group, P.C., LVNV Funding, LLC and Resurgent Capital Services, LLP, have file Motions for Summary Judgment to be heard on March 23, 2012. Plaintiff respectfully requests the Court enter an order, consistent with the previous N.D. Cal. L.R., modifying the briefing schedule, in order to avoid prejudice.

I personally spoke with Jon Birdt last week and informed him my co-counsel was out of the country. The N.D. Cal. recently revised Local Rule 7-3 to require an opposition to be filed with 14 days of a motion. Thus, Brachfeld's motion was filed at a time when it was aware

MOTION FOR ADMINISTRATIVE RELIEF REGARDING BRIEFING SCHEDULE and [Proposed] ORDER

1 Plaintiff's counsel was out of the country, thereby prejudicing Plaintiff. Furthermore, the motion
 2 was not required to be filed until Friday, February 17, 2012, in order to satisfy the 35-day notice
 3 requirement. (Defendant's Motion for Summary Judgment failed to provide a required Notice,
 4 however Plaintiff is not challenging that in this Administrative Motion).

5 Before its revision the N.D. Cal. L.R. allowed the opposing party to file its opposition 21
 6 days before the hearing. Plaintiff simply requests the Court enter an order that Plaintiff shall file
 7 any opposition briefs on or before Friday, March 2, 2012, and Defendants shall file any reply
 8 briefs on or before March 9, 2012 (consistent with the Local Rules before the recent revision).

9 At approximately 9 a.m. this morning I personally spoke with Jon Birdt, counsel for
 10 Brachfeld Law Group, P.C. Mr. Birdt refused to stipulate to the briefing schedule Plaintiff
 11 requests. However, Mr. Birdt did not allege there was any prejudice in the proposed briefing
 12 schedule. I also attempted to speak with David Dalby, but learned he is out of the office today.
 13

14 In light of the impending opposition due date (Thursday, February 23, 2012), I am
 15 bringing this Motion for Administrative Relief now, in hopes that the Court will grant relief and
 16 thereby avoid the unfair prejudice that was created.

17 Respectfully,

18 Paul Nathan
 19 Counsel for Plaintiff

20 [Proposed] ORDER

21 The Motion for Administrative Relief is hereby GRANTED.

22 **IT IS SO ORDERED.**

23 Date:

24 _____
 25 Hon. Edward Chen
 U.S. District Court Judge

**MOTION FOR ADMINISTRATIVE RELIEF REGARDING BRIEFING SCHEDULE and
 [Proposed] ORDER**